

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,)
Plaintiff,)
v.) Case No. 10-CV-88
HOUSING ENTERPRISES OF)
SHULLSBURG II LIMITED)
PARTNERSHIP, A Wisconsin Limited)
Partnership)
c/o Duane Kittleson,)
WISCONSIN HOUSING AND)
ECONOMIC DEVELOPMENT)
AUTHORITY,)
Defendants.)
)

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The above matter coming on to be heard before the above Court, Honorable William M. Conley, United States District Judge for the Western District of Wisconsin, presiding without a jury, on June 9, 2010, the Plaintiff, United States of America ("Plaintiff"), having appeared by its attorney, the Office of the United States Attorney for the Western District of Wisconsin, and no appearance having been made on behalf of the defendants herein except as may be noted on the record; and the Clerk of the United States District Court for the Western District of Wisconsin having duly entered

the default of said defendants; and it further appearing that due notice of application for judgment has been made to the defendants, and that a waiver of service was filed with the Clerk of the United States District Court for the Western District of Wisconsin for Wisconsin Housing and Economic Development Authority, and that proof of service was filed with the Clerk of the United States District Court for the Western District of Wisconsin for Housing Enterprises of Shullsburg II Limited Partnership, c/o Duane Kittleson; and the Court having heard the testimony and fully advised in the premises, therefore makes and files the following findings of fact and conclusions of law constituting its decision in this action.

Findings of Fact

1. The allegations of the complaint are proven true.
2. There is now due and unpaid on said note, loan agreement, and mortgage as of June 9, 2010, the following sum \$516,898.17 (Attachment A.).
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3. No proceedings have been had at law or otherwise for the recovery of the sum secured by said note, loan agreement, and mortgage.
4. The real estate is so situated that it cannot be sold in parcels without injury to the interest of the parties.
5. The mortgaged premises are described as follows:

Lot 1 of Certified Survey Map Number 144 being a part of the N 1/2 of the SW 1/4 of Section 11, Town 1 North, Range 2 East, City of Shullsburg, Lafayette County, Wisconsin, recorded in Volume 1 of Certified Survey Maps of Lafayette County of Page 144 as Document 246520.

6. The mortgaged premises have not been abandoned.
7. Due notice of the pendency of this action was duly filed, after the filing of the complaint herein, on the filing of the Lis Pendens on February 24, 2010, and more than twenty (20) days prior to the trial of this action, in the Office of the Register of Deeds for Lafayette County, Wisconsin, in the manner and form required by law.

Conclusions of Law

1. Plaintiff is entitled to judgment of foreclosure and sale in the usual form, as prayed for in Plaintiff's complaint, and in accordance with the above findings of fact.
2. Wisconsin Housing and Economic Development Authority waived service of the summons and complaint in the above action, and the signed waiver form has been filed with the Court, as set forth in the declaration of Heidi L. Luehring, Assistant United States Attorney, Office of the United States Attorney, on file herein; the time for answering said complaint has expired; no answer or other response or appearance has been served on or received by Plaintiff's attorney from or made by the Wisconsin Housing and Economic Development; and the Clerk of Court has duly entered the default of said defendant.
3. Housing Enterprises of Shullsburg II Limited Partnership, c/o Duane Kittleson was served a Summons and Complaint by the United States Marshal's Service, and proof of service has been filed with the Court, as set forth in the declaration of Heidi L. Luehring, Assistant United States Attorney, on file herein; the time for answering said complaint has expired; no answer or other response or appearance has

been served or received by Plaintiff's attorney from or made by Housing Enterprises of Shullsburg II Limited Partnership c/o Duane Kittleson; and the Clerk of Court has duly entered the default of said defendant.

4. Plaintiff is entitled to recover from the defendants the following sum \$516,898.17 (Attachment A.).
5. The mortgaged premises shall be sold as a whole.
6. The mortgaged premises have not been abandoned.
7. Deficiency judgment is not being sought in this action.
8. Sales of the premises shall be conducted by or under the directions of the United States Marshal for the Western District of Wisconsin. Notice of sale shall be made by publication in the Darlington Republican Journal, a newspaper published in the City of Darlington, County of Lafayette, State of Wisconsin.

9. The defendants and all persons^s claiming under or through it, after the filing of notice of the pendency of this action, shall be forever barred and foreclosed of all right, title, interest, and equity of redemption in said mortgaged premise so sold.

Now, on application of the United States Attorney for the Western District of Wisconsin, attorney for Plaintiff,

IT IS ORDERED that judgment of foreclosure and sale of said mortgaged premises, in the usual form as provided by and in accordance with the above findings of fact and conclusions of law, be entered in this action.

Dated this 9th day of June, 2010.

BY THE COURT:


WILLIAM M. CONLEY
United States District Judge

ATTACHMENT A

UNITED STATES OF AMERICA v. HOUSING ENTERPRISES
OF SHULLSBURG II, LIMITED PARTNERSHIP, et al.
Case Number 10-cv-88

a. Principal as of June 9, 2010 \$467,018.98

b. Interest as of June 9, 2010 \$ 46,881.75

c Late Fees \$ 2,997.44

Subtotal \$516,898.17

d. Court Cost and Disbursements:

(1) Attorney's Fees \$200.00

(2) Filing Lis Pendens \$ 15.00

Subtotal \$215.00

TOTAL AS OF JUNE 9, 2010 \$517,113.17